

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3456

IN THE MATTER OF:

Served January 23, 1990

Petition of JONES TRANSPORTATION)
SERVICE, INC., for Declaratory)
Order Interpreting Certificate)
of Public Convenience and Necessity)
No. 116)

Case No. MP-89-11

By motion filed December 19, 1989, Jones Transportation Service, Inc. (JTS), seeks to have WMATC Certificate No. 116 interpreted to include transportation of passengers for the accounts of all agencies of the District of Columbia and any related contractors.

WMATC Certificate No. 116 authorizes the following transportation:

IRREGULAR ROUTES:

SPECIAL OPERATIONS, transporting clients of the Bureau of Community Services, Mental Retardation and Developmental Disabilities Administration of the District of Columbia Department of Human Services between points in the District of Columbia, on the one hand, and, on the other, points in the District of Columbia, Silver Spring, MD, and Prince George's County, MD;

RESTRICTED to transportation in vehicles with a manufacturer's designed seating capacity of 15 passengers or less (including the driver).

In support of its position JTS contends that inasmuch as the Bureau of Community Services, Mental Retardation and Developmental Disabilities Administration of the District of Columbia Department of Human Services (MRDDA) is an integral part of the District of Columbia government, any contract that JTS might have with MRDDA is, in reality, a contract with the District of Columbia. JTS further contends that WMATC Certificate No. 116 restricts it from adding to its equipment in the area specified ". . . as the development of business expands and the demands from other agencies of the District of Columbia increase for similar services being offered by Jones Transportation under the above Certificate."

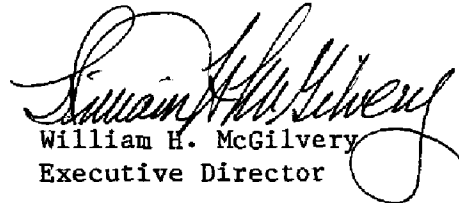
After examining the entire record in this case and upon consideration of Order Nos. 2629, 2994, and 3199, served November 14, 1984; April 2, 1987; and July 13, 1988, the Commission finds the

petition of JTS, to be without merit. JTS (formerly Jones & Washington Ass'n.) was granted all authority sought initially, and that authority is embodied in WMATC Certificate No. 116. The certificate was transferred from a partnership to a corporation (Jones & Washington Associates, Inc.). The corporation later changed its name to Jones Transportation Service, Inc. However, no additional authority was ever sought.

Taking official notice of the Commission's records, we find no indication that JTS previously intended to transport passengers other than as specifically described in WMATC Certificate No. 116. Evidence of public convenience and necessity presented by JTS went specifically and solely to such transportation. JTS is free to acquire as much equipment as needed or desired to provide service authorized by WMATC Certificate No. 116. For these reasons, the Commission finds no grounds to interpret WMATC Certificate No. 116 to include transportation other than that provided for MRDDA's account. Consequently, the petition will be denied.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director